

Muhammad Ari Pratomo

COPYRIGHT AND ARTIFICIAL INTELLIGENCE

Positioning AI as a Tool, Not a Creator

Published By :

PT MuhammadAriLaw Pustaka Nada

Citra Indah City Housing Complex, Bukit Azalea AF 7 No.

3 Jonggol, Bogor Regency, Indonesia 16830

Website: <https://www.mpnpublishing.com>

E-mail: ptmuhammadarilawpustakanada@gmail.com

Tel.: +628115222152

Writer

Muhammad Ari Pratomo

Layout Designer, Front and Back Cover

Muhammad Ari Pratomo

Page: v + 120 ; 14.8 cm x 21 cm

ISBN: 9798296676627

Edition: 1, August 2025

Publisher:

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FOREWORD

Thank God, all praise to Allah SWT who has given favor, strength and inspiration to the author so that this book, entitled "Copyright and Artificial Intelligence: Placing AI as a Tool, Not a Creator", can be compiled and presented to readers.

The development of artificial intelligence (AI) technology has now surpassed the boundaries previously accessible only to human creativity. AI can now produce works that resemble human creations: from text and images to music and videos. This progress brings with it significant legal challenges, particularly in the context of copyright. The questions that arise are becoming increasingly pressing: Can works produced by AI be claimed as original? Who is the rightful owner of such works?

The author believes that AI is not a creator, but merely a tool that operates under human instructions. Within the framework of positive law, AI does not fulfill the requirements of a legal subject, as it lacks will, consciousness, or responsibility. Therefore, when AI is used in the creation process, copyright must remain vested in the human who provided the concept, instructions, or creative influence in the process.

This book is designed to contribute to the discussion of legal concerns in the digital age. Using a normative-juridical approach and supported by international comparative studies, the author strives to provide a compelling argument that

copyright protection must remain in favor of humans, not machines.

This book is intended for legal practitioners, academics, policymakers, and the general public, particularly creators who are utilizing AI in their creative processes. It is hoped that this work will serve as an enlightening reference and strengthen legal awareness, ensuring that technological advancements do not overshadow the fundamental values of protecting human creativity.

Finally, the author expresses his deepest gratitude to all those who have provided support, input, and encouragement in the preparation of this book. He recognizes that perfection belongs only to God Almighty. Therefore, he greatly appreciates any constructive criticism and suggestions.

We hope that this book will be beneficial, add to the scientific treasury, and become part of a collective effort to maintain human dignity as the primary creative subject in digital civilization.

Jakarta, August 4, 2025

Muhammad Ari Pratomo

CHAPTER 1

Introduction

We live in an age where the boundaries between humans and machines are blurring. Technology is not only helping humans work, but has also entered a realm once considered exclusively human: creativity. Amidst the development of artificial intelligence (AI), a crucial question has emerged that is increasingly pressing to be answered: are works produced with the help of AI worthy of copyright protection, and if so, who owns them?

Advances in AI have made it possible to create songs, poems, novels, paintings, and even legal papers in a matter of seconds. Some are amazed, others concerned, and still others—especially in the legal world—are beginning to question humanity's place in the chain of creation. Are we still considered creators if the final product is assembled by an algorithm?

The author is of the firm opinion: AI is not a creator. It's just a tool. Just like a camera that takes pictures, a pen that writes, or word processing software that facilitates editing, AI is not alive, is not conscious, is not responsible, and has no will. Therefore, in principle, it cannot be a legal subject. Granting copyright to a non-living entity violates common legal sense and the values of protecting human creators.

Unfortunately, not all stakeholders clearly understand this boundary. Some are even tempted to replace humans for the sake of efficiency and profit. This is where this book is

crucial—to explain clearly, convincingly, and legally, that AI cannot, should not, and does not deserve to be recognized as a copyright owner.

This chapter serves as a gateway to understanding all the legal, ethical, and philosophical arguments that will be outlined in subsequent chapters. The author will guide readers through the history and legal basis of copyright, understand what AI is, compare international regulations, review real-world case studies, and ultimately conclude that legal protection must return to its source: humans.

Because ultimately, behind all technology, it is still humans who think, intend, choose, and are responsible. Without human intention, there is no work. Without humans, there is no creator.

To better understand why artificial intelligence (AI) cannot be considered a creator, we need to go back to basics: what exactly is AI?

AI is a program. A machine. A computing system created, programmed, and developed by humans. In its simplest form, AI works by processing the data given to it. In its more complex forms—as we know today as generative AI—it is capable of generating new outputs based on patterns and commands given by humans. However, AI does not operate based on its own will. It has no desires, intentions, consciousness, or moral understanding. All AI actions are the result of the logic embedded in it by humans.

We cannot equate processing ability with creative consciousness. Philosophically and legally, creative works are

born from conscious human intention and expression. AI lacks consciousness. It cannot decide whether to create something. It merely responds to prompts, codes, or commands given to it. Without humans, AI would do nothing. Without instructions, AI would produce nothing.

This logic is important. Because from here we can affirm:
The work produced by AI is an extension of the human who operates it, not the result of the AI's own creativity.

Imagine someone using a camera to photograph a landscape. The camera doesn't automatically own the copyright to the photograph. It's just a tool. The work remains the property of the photographer, who determines the angle, light, moment, and composition. Similarly, when someone uses AI to create poetry, melodies, paintings, or stories, AI is simply a digital camera in algorithmic form. The work is the result of the thoughts, intentions, and control of the human who directed it.

If we reach the point where AI is given the status of “creator,” then we are leading the legal system to recognize inanimate objects as legal subjects—something that goes against all the basic principles of intellectual property law.

Therefore, it is important for the public, policy makers, and practitioners to understand that:

- AI was created by humans,
- AI is controlled by humans,
- and AI operates only on human commands.

From this logic, it's clear that works involving AI remain the copyright of humans. Without humans, there are no ideas. Without humans, there is no initiative. Without humans, there is no creation.

In this book, the author will continue to encourage readers to place humans in their proper place: as the sole creators and rightful owners of creative works, even when using the most sophisticated technology. AI can help speed up processes, expand possibilities, and even create infinite variations—but it remains a tool, not a creator.

Legal justice must side with humans. Laws are created by humans, for humans. And as long as AI is not sentient, conscious, and responsible for its actions, we cannot consider it a legitimate creator under the copyright system.

As a program, AI cannot have free will. It cannot make moral decisions. It has no ambition, emotions, or sense of value. Any seemingly “creative” output from AI is simply the result of mathematical calculations based on input data and machine learning models prepared by humans. Therefore, when we see beautiful poetry written by AI, or seemingly original illustrations generated in seconds, we must remember that behind it are still humans—whether as system developers, data collectors, or creative directors who sparked the birth of these results.

The biggest mistake we can make in the legal realm is to become so mesmerized by the outcome that we forget the process. Copyright law not only protects the end result, but also respects the creative process, which reflects personal expression, freedom of thought, and intellectual

responsibility. All of these—expression, freedom, responsibility—are lacking in AI.

We also shouldn't be seduced by the impression of technological "greatness." Just because AI is capable of creating works doesn't mean it has the conscious will to create. Just because AI can create something that appears original doesn't mean it has the intention to create. This is a fundamental distinction that cannot be negotiated by law, no matter how advanced the technology becomes.

Furthermore, if we open a legal loophole that recognizes AI as creator, it will create ownership confusion. Who will we consider the copyright owner? The machine? The company that created the AI? The AI user who provided the prompt? Or other parties not even directly involved in the process?

The answer comes back to basic logic:

The one who creates is the one who intends, takes the initiative, and is responsible. And that's just humans.

Recognizing AI as creator is tantamount to obscuring the meaning of creation itself. Therefore, any work involving AI must remain attributed to the human beings who directed, selected, edited, and were responsible for the final product. This is true legal justice—not only maintaining the legal structure of intellectual property, but also protecting human dignity amidst the storm of automation.

Because if we don't uphold this principle from the start, it's possible that in the future, humanity will be pushed off the creative stage it once built. Laws exist not to follow trends, but

to uphold fundamental values that protect justice, identity, and the sustainability of human civilization.

From the above description, it can be firmly concluded that artificial intelligence (AI), no matter how sophisticated, cannot be considered a creator within the context of copyright law. AI is not a human being, is not a legal subject, and is not an entity with the will or consciousness to create.

AI is simply a tool—a program designed by humans, run by humans, and dependent entirely on human input. Without humans, AI wouldn't work. Without instructions, it wouldn't produce results. Therefore, even the simplest logic suggests that any work involving AI remains the creation of the humans who use it, not the AI itself.

Therefore, misconceptions about AI's place in the intellectual property realm must be addressed immediately. Otherwise, we risk creating a legal gray area that threatens the very existence of human creators and undermines the copyright protection system that has been built over centuries.

The following chapters will further demonstrate that this position is not merely a moral or ethical opinion, but a well-founded, systematic legal position, reinforced by doctrine, legislation, and international practice. Because only by treating AI as it truly is—as a tool, not a creator—can we protect human creativity and uphold the dignity of the law in an increasingly complex digital age.

CHAPTER 2

Copyright in Legal Perspective

Copyright is a form of intellectual property rights that arises from a person's creations in the fields of science, art, and literature. It provides legal protection for original human expressions, demonstrating the power of thought, creativity, and freedom of expression. Behind every work protected by copyright is a creative process that is personal, reflective, and irreplaceable by machines.

In the legal system, copyright not only regulates ownership of works but also defines who is considered the creator and what qualifies as a protected work. Therefore, understanding the structure and basic principles of copyright law is crucial before discussing the position of AI in this area.

The Nature of Copyright

Conceptually, copyright has two important elements:

1. **Copyright subject**— namely the party who created the work;
2. **Copyright objects**— namely the work that is created.

According to Law Number 28 of 2014 concerning Copyright, the subject of copyright is an individual or legal entity that produces a work. A work itself is any work in the fields of science, art, or literature created based on inspiration, ability, thought, imagination, dexterity, skill, or expertise expressed in a tangible form.

From this alone, it's clear that creation must arise from human elements—thought, imagination, skill, and expression. Therefore, non-human entities like AI, by definition, cannot be legal subjects in the context of copyright, as they lack the elements specified in the law.

Principle of Originality

The fundamental principle of copyright is originality, meaning that a work must be the original creation of its creator. Originality does not mean unique or unprecedented, but rather must reflect the efforts and creativity of the creator.

AI, as an automated system operating on pre-existing data, cannot meet this requirement of originality. It simply rearranges, combines, and synthesizes the data it learns. There is no intention, no subjective meaning, no personal experience in any of its outputs. In other words, AI does not "create" in the legal sense—it simply "produces" technical outputs based on algorithmic logic.

Creator and Legal Responsibility

In law, a creator is not only the owner of a work—he or she is also legally and morally responsible for that work. For example, if a work violates ethics, contains plagiarism, or otherwise has legal implications, the creator is the one who can be held accountable.

AI cannot be held responsible. AI cannot be tried. It cannot be held legally or morally accountable. This means that AI does not meet the requirements of a legal subject and therefore does not deserve rights or protection as a creator.

International Law: Convergence of Views

The Berne Convention and the TRIPS Agreement, the foundations of international copyright law, implicitly recognize that copyright is granted only to humans. In practice, countries such as the United States, the European Union, and Japan still require human involvement as a condition for copyright protection, despite technological advancements.

As an example:

- **US Copyright Office** explicitly rejects copyright protection for works that do not involve "human intervention."
- **European Union** In its draft regulations, it establishes the principle of human-centric AI, which places humans at the center of the technology creation and monitoring system.

Indonesia, through Law No. 28 of 2014, also does not provide a legal loophole for AI to become a creator. Therefore, if interpreted systematically and historically, there is no valid legal basis for AI to claim copyright.

Conclusion

Copyright is not simply legal protection for works, but rather recognition of human creativity. Copyright law is designed to reward creators who consciously, originally, and responsibly produce works of value.

AI does not meet these requirements. It is not a legal entity. It has no will, responsibility, or expressive value. Therefore, from

a legal perspective, copyright can only be owned by the humans who use AI as a tool, not by the AI itself.

CHAPTER 3

Artificial Intelligence in the Creative World

The advent of artificial intelligence (AI) has drastically changed the face of the creative world. Previously, works of art and intellectual expression could only be created by humans, using time, energy, and emotion. Now, with the help of AI, digital images, music, writing, and even film scripts can be produced in seconds. This change has both awe and anxiety: is this progress or a threat? Is human creativity being replaced by machine logic?

But before answering that, we must first understand: what is meant by AI, and how it works in the context of creativity.

What is Artificial Intelligence?

Artificial Intelligence (AI) is a computer system designed to imitate and/or replace human intellectual functions, such as learning from data (machine learning), making decisions, recognizing patterns, or producing output that resembles human creation.

In the creative world, the most relevant type of AI is generative AI, which can create new content—whether in the form of text, images, sound, or video. Some popular examples include:

- **ChatGPT** for text and writing,
- **DALL·E** and Midjourney for visual illustrations,
- **AIVA**, **SUNO** or Amper Music for music composition,
- **RunwayML** for automatic video creation.

But while the results may seem "magical," the processes within AI are mathematical and systematic. AI doesn't truly "create" like humans. It collects, rearranges, and synthesizes data already present in its training models. Therefore, what AI does is not conscious "innovation," but rather "statistical reconstruction" of data it has learned.

AI Has No Creative Consciousness

Art and creative work are not just about the result, but also about intention, emotion, experience, and self-expression. A poet writes because his heart is moved. A musician composes because his heart wants to speak. A painter paints because he wants to convey his inner feelings through color.

AI doesn't experience any of that. AI doesn't feel pain, love, longing, anger, or reflection. It simply carries out instructions. When AI writes a poem about sadness, it's not feeling sad—it's simply recognizing word patterns from the hundreds of thousands of sad poems it has analyzed.

In other words, the results may resemble human work, but the process itself does not. This is the fundamental difference that makes AI incomparable to a creator.

AI's Role in Assisting, Not Replacing

While AI can't be called a creator, that doesn't mean it's useless. In the creative world, AI can be a tremendous tool for:

- speed up the process of brainstorming ideas,
- composing an initial draft of a piece of writing or music,

- create design variations,
- simplify the digital content production flow.

However, all of this still requires human control and direction. Without humans to trigger, select, edit, or direct AI's output, the resulting output would be random and meaningless.

In fact, by understanding AI's limitations, we can more wisely utilize it as a creative partner, not a competitor.

Works Considered Creative Are Not Necessarily Created Creatively

This is an important point: just because something looks like art, doesn't mean it was created through a legally valid creative process.

Example:

- A song generated by AI in 10 seconds may sound original, but if no human conceptualized, edited, or provided direction, then it cannot be called a human creation.
- Images created from random prompts are not necessarily copyrightable—because there is no element of intentionality or personal expression from the creator.

Thus, in the world of law, the process of creation is much more important than the final result. Only works that are the result of human expression are entitled to copyright protection.

Artificial intelligence has entered the creative world as a revolutionary tool. It can produce content at an unprecedented scale and speed. However, AI remains a program—not a person. It lacks a soul, consciousness, intentions, or responsibility.

So, no matter how well AI mimics human creativity, it will never be human. And as long as the law is founded on logic and justice, copyright should remain the right of the human creator, not the machine that carries out orders.

The next chapter will go into more detail about how AI—in practice—should still be considered a tool, not a creator.

AI and the Illusion of Creativity

It's important to emphasize that AI output, however similar to human creative work, does not arise from intention or cognitive processes. In computer science, AI doesn't "think" the way humans do. What happens is data processing through a network of algorithms and predictive statistics. This means that when AI generates text, images, or music, it isn't creating based on experience, intuition, or emotional reflection—but rather based on technical predictions of previous data patterns.

For example, a language model like ChatGPT works by predicting the next word based on millions of possibilities from training data. When generating poetry, it selects statistically probable word combinations to produce a form that resembles poetry. It doesn't understand the meaning of love, loss, or longing as humans do. Therefore, the poetry generated by AI is technically poetry, but it is not, in

substance, the result of a personally accountable inner experience.

The Creative Process from a Legal and Philosophical Perspective

In the intellectual property law approach, the creative process is a central aspect that distinguishes "creative results" from "production results." A creation is not solely judged by its final form, but rather by the cognitive and affective processes that involve the will and responsibility of its creator. This is where the difference between human creation and machine output lies.

In the philosophy of art, this view aligns with the theory of expressivism: that a work of art is an expression of the inner life of its creator. Without subjective consciousness, there is no expression, and without expression, there is no true art. So when AI produces a painting imitating Van Gogh's style, for example, it lacks existential context, contains no feelings, and contains no personal reflections. It is simply the product of an algorithmic calculation based on thousands of previous image references.

Legal Consequences of Lack of Awareness

Since AI does not have consciousness and will, then in legal theory:

- AI cannot have the intention to create,
- AI cannot be held legally responsible, and
- AI cannot claim legal protection as a subject of rights.

This is in accordance with the basic principles of intellectual property law which always places humans as the owners of rights because they are considered rational, conscious beings who are responsible for the fruits of their own thoughts.

AI as a Facilitator, Not a Creator

If AI doesn't qualify as a creator, then what is its role? The most accurate and legally valid answer is: AI is a facilitator or tool in the creative process.

With the help of AI, humans can:

- accelerate visual ideas and concepts,
- prepare an initial draft of written content,
- produce musical combinations or tone patterns,
- adapting the design to market needs.

However, the ultimate success of the work depends on human involvement—who sets the direction, selects the results, curates them, and takes full responsibility for the creation.

From this description, it can be emphasized that:

- **AI only works based on statistics and data patterns,** not imagination or consciousness.
- **The work produced by AI is just a simulation of the form,** not an expression of meaning.
- **Creativity, in the legal and philosophical sense, is a human property.** because only humans have will, responsibility, and value context.

AI, for all its sophistication, remains a tool. And like other tools in human history—such as the pen, the camera, or the computer—it never has the status of creator. Therefore, within the framework of copyright law, AI cannot be recognized as the owner of a work. It is merely a tool. It is not alive. It has no soul. It has no morals.

The next chapter will delve further into the position of AI as an assistive tool, and why it is legally important not to overstep the boundaries of that role.

CHAPTER 4

AI as a Tool: Not a Creator

The development of artificial intelligence (AI) technology has created various digital tools capable of simplifying the human creative process. However, as AI's technical capabilities in generating text, images, sound, and video have improved, a serious debate has arisen: is AI merely a tool, or can it now be considered a creator?

This question is not merely a technological one—it is a question of legal philosophy and the structure of responsibility. Herein lies the urgency: placing AI in accordance with its legal capacity. Therefore, this chapter emphasizes that AI is a tool—not a creator. This is not because it is unproductive, but because it lacks will, consciousness, and responsibility for its outcomes.

Definition of Tools in the Creation Process

In the context of intellectual property law, tools are the means humans use to convey ideas, process data, or translate concepts into tangible forms. Tools can be manual, such as brushes and pens, or digital, such as design software, digital audio workstations (DAWs), or now—artificial intelligence.

The key difference lies in initiative and control. With all tools, including AI, the final outcome still depends on:

- **Human initiative:** initial idea, decision to create.
- **Human intervention:** giving prompts, parameters, or commands.

- **Human assessment:** selection, editing, and final curation.

If the tool does not have the three elements above independently, then legally it cannot be qualified as a creator.

AI-Based Work: Where Does Humanity Fit In?

For example, someone writes a novel using ChatGPT. The AI does construct sentences and plot, but:

- It is humans who choose the topics and characters,
- It is humans who provide content and style direction,
- It is humans who edit and perfect the final result.

In such a scenario, it's clear that AI merely helps expedite technical work. Much like using a typewriter to type poetry, AI doesn't consciously "contribute creatively." It doesn't know what plot is. It doesn't know whether the characters it's writing about are heartfelt. It's all just data patterns.

Thus, the creation remains human property. AI is merely a technical means to channel human will in a more efficient manner.

Analogies of Assistive Devices in the History of Technology

The use of aids in art and crafts is nothing new. History records that great artists like Leonardo da Vinci used mirrors and perspective measuring instruments. Modern musicians use software like Pro Tools or Ableton to compose music. Writers use grammar correction apps. However:

- **No one ever claimed that the brush created the painting.;**
- **No one said that the guitar creates songs;**
- **And no one is saying that Microsoft Word writes novels.**

So it is with AI: it's just a sophisticated tool. To ascribe it the creator would be a flawed approach that undermines the very fabric of intellectual property law.

Legal Risks If AI Is Recognized as a Creator

Assuming AI is a creator is not only wrong by definition, but also dangerous in practice. Some of the risks include:

1. **Ownership Chaos**If AI becomes the creator, who will own the rights? The AI user? The creator of the program? The company that owns the AI? Or the AI itself? The law is not prepared to provide protection to entities that cannot be held accountable.
2. **The Paralysis of Protection for the Creator of Man**If AI could register works, human artists, writers, musicians, and designers would be competing with programs that can produce thousands of works a day. This would threaten economic and moral distributional justice.
3. **Abuse and Mass Plagiarism**AI that simply reprocesses existing data is highly vulnerable to producing works that imitate others' creations without permission. If AI were protected, the legal system would legitimize infringement of human works.

Key Principle: Human Control Is a Must

Various international jurisdictions, including the United States, the United Kingdom, and the European Union, have affirmed one important principle:

Only works involving human control and contribution can be protected by copyright.

Without the human element, there is no copyright. This is the dividing line that keeps the law from getting trapped in the glorification of technology, and remains on the side of creatures who create with will, feeling and responsibility.

AI is a powerful tool. It helps speed up work, expand possibilities, and simplify technical processes. But it is not a creator, as it lacks intent, values, or responsibility.

Positioning AI as creator would undermine the foundations of intellectual property law, create ownership confusion, and disadvantage the true human creators. Therefore, within the legal and logical framework, AI must remain in its proper place: as a tool in the hands of humans.

Prompt: The Starting Point of Human Creativity

In generative AI systems, prompts are instructions or directions given by humans to AI to produce an output. Prompts can take the form of sentences, visual descriptions, stylistic commands, or a combination of various technical and creative parameters.

Legally, a prompt is more than just technical input. It is the initial representation of a person's creative intent, ideas, and goals. Prompts don't emerge from thin air—they are born from imagination, knowledge, experience, and subjective expression. Therefore, the person formulating the prompt is actually performing a creative act that lays the foundation for the final work.

Without prompts, there would be no output from AI. Without humans, there would be no prompts.

The Concept of the “Prompt Writer” as Creator

In modern intellectual property law literature, the terms prompt engineer or AI-assisted creator have emerged, namely individuals who actively and purposefully use AI to produce work. Their role is not passive; they:

- designing complex and multi-level prompt structures,
- evaluate the results, then refine them through iteration,
- select and edit the final result according to personal vision and goals.

This process is similar to a photographer composing the lighting, choosing the angle, and pressing the shutter to capture the moment. The camera is not considered the creator; the creator remains the photographer. Similarly, in the context of AI, the prompter is the true creator.

Scientific Basis: The Theory of Creative Causality

In legal philosophy, there is a principle of creative causality:

"Whoever is the direct and conscious cause of the creation of a work is its creator."

In the context of AI:

- Prompt is the direct cause of the birth of AI results.
- Prompts cannot be generated by the AI itself without human instruction.
- Prompts store the direction, intent, and value to be achieved in the final result.

Thus, the creator of the prompt is the proximate cause of the creation. And according to legal principles, copyright is vested in the legal subject who causes the creation of the work through the expression of intent, not in the technical system that merely performs an algorithmic function.

Analogy with Other Digital Works

For comparison:

- In animated films, computers are used to render the graphics. However, copyright remains with the animators and directors, not the software.
- In electronic music, synthesizer software is used to produce sounds. However, copyright remains with the composer, not the music software.

So in generative AI:

- AI generates content because it is directed by humans.
- Prompt is an initial form of expression.

- The process of editing and selecting results is also carried out by humans.

In other words, the prompt maker acts as the architect of the work.

Risks If Prompt Maker Is Not Recognized

If the law does not recognize the prompt maker as the creator, then various serious consequences will arise:

1. **Lack of Protection** Those who actually play an active role will not have legal rights to their work. This goes against the principle of substantive justice.
2. **The Creation of Gray Space** AI works will become ownerless entities, difficult to determine their legal ownership, making them easy to misuse or commercialize without permission.
3. **Disincentives to Creativity** Creators who use AI will lose their economic and moral rights, even though they still use their energy, time, and ideas to produce their work.
4. **Potential for Abuse by Technology Owners** Without protection for prompt creators, AI providers can claim all user results as their own, even if they had no direct role in the creative process.

Therefore, from a legal, ethical and philosophical perspective:

- AI is not a creator, because it has no will, consciousness, or responsibility.
- AI is just a technical tool, just like a camera, a digital paintbrush, or sound processing software.

- **The prompt maker is the one who creates the direction, meaning, and form of the final result.**, and therefore, he is the one who has the right to copyright the work.

If the law is to remain relevant and fair in the digital age, then copyright protection must remain oriented towards humans as active and conscious legal subjects, not towards passive and lifeless programs.

CHAPTER 5

Human Creativity vs Machine Algorithms

In this digital age, the debate between human creativity and artificial intelligence (AI) has become increasingly relevant. Can work produced by machines be called "creative"? Can algorithms match or even surpass human creativity? And most importantly: can machines replace humans as the center of the creative process?

To answer this objectively, we first need to understand what human creativity is, and what the fundamental differences are between biological creativity and algorithmic calculations.

The Nature of Creativity: The Internal Process of Human Beings

Human creativity is the ability to produce something new, valuable, and meaningful. It does not arise solely from knowledge, but from the complex interaction between:

- **emotion,**
- **intuition,**
- **life experience,**
- **personal reflection,**
- and free will.

True creativity isn't just about processing information, but also about creating contextual and existential meaning. A poet writes not just because he knows the words, but because he feels the pain. A painter draws not because he recognizes form, but because he's trying to convey his inner world.

Human creativity is born from an awareness of meaning, not just a logical function.

Machine Algorithms: Patterns, Not Meaning

On the other hand, algorithms work deterministically. Generative AI, such as that used in text, image, or music generation, operates on the principle:

Pattern prediction based on previously analyzed big data.

AI doesn't create from experience. It doesn't feel fear, love, hope, or disappointment. It simply repeats and recombines existing patterns. Therefore, AI's output is an imitation of form, not the creation of meaning.

Example: AI can write a poem about loss, but it doesn't know what loss means. It simply picks words commonly used in that context, based on occurrence statistics.

Creativity: Its Essence Is Freedom

In legal theory and philosophy, human creativity is based on freedom of thought and action. This freedom gives rise to:

- moral responsibility,
- awareness of values,
- and the ability to make aesthetic choices reflectively.

AI, as an artificial system, lacks such freedom. It doesn't choose because it wants to, but because it's programmed. Therefore, AI isn't creative; it's merely automatic. Only

humans can be truly creative—because only humans possess free will and the ability to construct meaning.

The Importance of Maintaining Humanity's Position as the Center of Creation

If the law begins to blur these lines and equate algorithms with humans, then:

- We have lost the moral standards of creation.
- We open up opportunities for industrial manipulation by automated systems.
- We devalue humans as the only creatures who create consciously.

Therefore, it is crucial for legal systems, education, and the creative industries to emphasize that human creativity remains irreplaceable. AI can assist, expand, or facilitate—but it must not replace the source of creativity.

Human creativity is born from the complexity of emotions, experiences, and a sense of meaning. Meanwhile, AI algorithms can only process and imitate patterns based on data. They are unconscious. They are meaningless. They cannot choose, feel, or take responsibility.

So, comparing human creativity and AI is like comparing a painting and its printing press. While the results may seem similar, the inner resources are vastly different.

Therefore, legally, morally, and logically, only humans deserve to be called creators. And as long as AI lacks a soul, reason,

and responsibility, its place must remain as a tool—not a creator.

The Illusion of Creativity: AI and Public Misperception

One of the main causes of confusion in today's society is the illusion of creativity that arises from AI's technical capabilities. Many people assume that if AI output looks beautiful, poetic, or evocative, it must be "creative."

However, in cognitive science and aesthetics, results that resemble creativity do not necessarily originate from the creative process. In cognitive psychology, creativity is defined as the ability to generate new, useful and meaningful ideas or products, involving divergent thinking, personal experience, and reflective evaluation.

AI does not have:

- *personal memories*
- *awareness of time and social context*
- *ethical or aesthetic evaluation capacity*

This means that AI doesn't know whether something is beautiful, funny, or touching. It only knows that certain patterns are often associated with certain emotional reactions in its training data.

Thus, the seemingly “creative” output of AI is merely a probabilistic illusion, not the result of expressive consciousness.

Why AI Can't Be Taught True Creativity

Some argue that as technology advances, AI can be taught to be creative. However, from a neuroscience and cognitive philosophy perspective, this is a fundamental error.

True creativity is born from:

1. **Self-awareness**(self-awareness),
2. **Personal goals and intentions**,
3. **Emotional involvement in the creation process**, And
4. **The ability to assess and adapt meaning in a socio-cultural context.**

AI lacks a limbic system (the emotional center), lacks a sense of time (past and future), and cannot understand the context of values. Therefore, creativity cannot be instilled in AI, as it is not simply a matter of data or logic, but rather a matter of subjective existence.

Human Creativity: Moral and Social Dimensions

Beyond self-expression, human creativity also has moral and social dimensions. Human works:

- often voices values (justice, love, humanity),
- carry social and cultural messages,
- able to influence public opinion or drive change.

Meanwhile, AI doesn't know whether its output will have a good or bad impact. It has no moral values. It doesn't know that its poetry might touch the soul of someone experiencing depression, or that its images might offend people on ethnic,

religious, and racial (SARA) issues. Therefore, AI cannot be said to have social responsibility for its output, while its human creators are always in a complex value space.

Literature and Regulatory Support: International Consistency

Research and legal policies in various countries support the position that human creativity cannot be replaced by algorithms.

Example:

- **US Copyright Office (2023):** rejects copyright applications for comics generated entirely by AI without significant human intervention.
- **UK Intellectual Property Office (2022):** states that “AI output has no creator in the traditional legal sense”.
- **European Parliament (2021):** emphasizes the need for AI regulations that place humans at the center and as the main person responsible (human-centric approach).

Academic literature agrees. Experts like Margaret Boden, Mark Coeckelbergh, and Luciano Floridi argue that AI can produce something technically “interesting,” but not philosophically or ethically “creative.”

Conclusion

Creativity is not simply the ability to construct forms, but the ability to construct meaning through experience, reflection, and values. AI, however sophisticated, cannot have existential

experiences, and therefore cannot possibly understand meaning.

Legally, only a being with intention and legal responsibility can be called a creator. AI does not meet these requirements, philosophically, cognitively, morally, or legally. Therefore:

- **True creativity is only possessed by humans.**
- **Algorithms don't create—they imitate and process patterns.**
- **AI is not a replacement for humans, but a technical extension of human will.**

In this high-tech era, the law must side with humans. And to maintain its roots, the legal system must remain grounded in the principle that creative works—like dignity—can only arise from humans.

CHAPTER 6

Law: Who is Recognized as the Creator?

The question of "who can be recognized as an author?" is not merely a philosophical one. It is at the heart of copyright law. Recognizing someone as an author carries legal, social, and economic consequences: exclusive rights, royalties, control over distribution, and moral protection.

With the emergence of artificial intelligence (AI) in the creative process, the definition of an author is once again being questioned. Can a non-human entity like AI be recognized as an author? If not, who is most deserving of being called the rightful owner of an AI-based work?

This chapter will analyze the answers from the perspective of national and international positive law, legal doctrine, and the actual practices of copyright regulatory institutions in the world.

1. Legal Definition of Creator

In Copyright Laws in various countries, a creator is generally defined as:

"One or several people who individually or together produce a creation based on their abilities, imagination, thoughts, creativity and expertise."
(Law No. 28 of 2014 concerning Copyright, Indonesia)

Likewise in the legal systems of other countries:

- **Copyright Act (USA):**"The author is the person who creates the work."
- **UK Copyright, Designs and Patents Act 1988:**"Author means the person who created the work."
- **Berne Convention (Article 2(1)):**calls "authors" individual creators, not systems.

All these definitions have one thing in common: the creator is a human (natural person). There is no positive law that recognizes machines, programs, or non-biological entities as legitimate creators.

2. AI is not a legal subject

In legal theory, only two entities can have rights:

- **Natural legal subjects**(natural person): human.
- **Legal subjects**(legal entity): a legal entity such as a company.

AI is neither. It:

- Having no will of its own (non-volitional),
- Cannot be held responsible (non-labile),
- Not having citizenship or legal entity status,
- Cannot own property, make contracts, or sue.

Thus, legally, AI cannot be recognized as a copyright owner because it does not meet the requirements for a legal entity. Therefore, even if AI produces a "work," it cannot claim that work as its own.

3. Legal Practice in the World: Rejection of AI as Creator

The following real cases strengthen the legal position:

- **The Case of Zarya of the Dawn (2023) – USA:** The US Copyright Office denied copyright recognition to Midjourney's entirely AI-generated comics, because there was “no substantial human intervention in the creation of the visual form.”
- **DABUS AI Case – Europe & UK (2019–2022):** Patent applications for the AI name “DABUS” were rejected in various jurisdictions (UK, EU, US, Australia) because the AI is not an inventor or creator in the legal sense.
- **UK IPO (2022):** Affirms that works created by AI will not be copyrighted unless there is significant human contribution.

Thus, current global practice consistently rejects AI as a creator, as the law only protects the results of human expression.

4. Who is Recognized as the Creator in AI-Based Works?

Since AI cannot be called the creator, it must be determined who is legally the creator in this context.

There are two approaches currently being developed:

a. “Prompt Engineer as Author” Approach

If someone uses AI by giving creative instructions (prompts), selecting, editing, and refining the results, then he is the party who:

- Initiating ideas,
- Directing the process,
- Determining aesthetic value,
- Responsible for the final result.

This approach places humans as the primary legal subjects, and this is the approach that best aligns with traditional legal logic and the principles of justice.

b. “Software Owner as Author” Approach

Some industry arguments suggest that AI system owners or developers have a right to the AI's results. However, this approach is flawed because:

- Not all developers are directly involved in content creation,
- Contrary to the working principle of AI as an assistive tool,
- Creates the potential for monopoly and injustice for creators.

In many cases, this approach is rejected by the legal system because it does not represent the personal creative process.

5. The Urgency of Positive Legal Affirmation

In the Indonesian context, the Copyright Law (Law No. 28 of 2014) does not explicitly regulate the role of AI. However, general principles can be upheld:

- Article 1 point 3 defines a creator as "an individual or several individuals who individually or jointly produce a creation."
- There are no provisions that open up space for non-humans to become copyright subjects.

This means that as long as AI remains unregulated, the traditional approach of placing humans as creators remains valid. This clarification needs to be expedited to prevent a legal vacuum and potential conflicts over ownership of AI-based works.

Laws worldwide agree that only humans can be creators. AI, for all its sophistication, remains a tool that lacks legal status as a subject of rights.

Therefore, in AI-based works, the prompter or user who directs the AI is the legitimate creator, as long as they demonstrate a tangible creative contribution. This is in accordance with the universal principle: copyright belongs to conscious, intentional, and responsible human expression.

6. The Role of Will and Consciousness in Determining Copyright

In intellectual property law, the elements of intention and conscious authorship are the primary requirements for establishing someone as a creator. This is not merely a formality, but rather the essence of the copyright system itself:

Copyright is not granted to the "end result" alone, but rather to the "creation process that arises from human will."

It means:

- A work must be an expression of an idea chosen, directed, and realized by a human being.
- Works that arise without human control cannot be protected by copyright law.

AI has no will and is unaware of its output. It cannot choose values, has no expressive intent, and is unaware of the consequences of its output. Therefore, in this context, AI fails to meet the substantive requirements of a legal creator.

7. Correlation between Creative Intent and Legal Ownership

Logically and scientifically, the relationship between intention and ownership rights over a work can be explained as follows:

- **Premise 1:** Copyright is granted to a party who consciously and voluntarily creates an expression of an idea.
- **Premise 2:** AI has no consciousness and cannot act voluntarily.
- **Conclusion:** Therefore, AI cannot be a legitimate legal subject for copyright.

On the contrary:

- The human who creates the prompt, sets the AI parameters, and chooses the final outcome has performed a creative act based on will and consciousness.
- He is actively involved in the creation process.

- So, he is the one who has the right to be legally recognized as the creator.

8. Weaknesses of the “AI as Creator” Argument from a Scientific Perspective

Some argue that artificial intelligence “creates” something, and therefore deserves to be recognized as a creator. However, this argument is weak because:

- **AI doesn't understand the context of its results.** He produces music without hearing, paints without seeing, and writes without reading in the human sense.
- **AI cannot make value decisions.** He doesn't know whether the result will be ethical, beautiful, provocative, or dangerous.
- **AI only works within the limits of input parameters.** All results are based on existing data, not original findings.

In computer science epistemology, AI is a machine-learning system, not a machine-knowing system. It learns patterns, but not meanings. Therefore, equating AI with humans in terms of copyright contradicts ontological and cognitive principles.

9. Comparative Perspective: Legal Systems of Various Countries

United States of America

- *US Copyright Office* explicitly states:

"Copyright law only protects the fruits of intellectual labor that are founded in the creative powers of the human mind."

- In the case of *Thaler vs. Copyright Office*, the AI "DABUS" was rejected as an inventor because it was "not human".

English

- Recognizes computer-assisted results under certain conditions, but still stipulates that the creator is a human who directs the process (CDPA 1988, Section 9(3)).

European Union

- In the AI Act and data protection proposals, it is emphasized that AI technology should not have its own legal status, and all legal responsibility should remain with humans.

Indonesia

- The Copyright Law (Law 28/2014) does not explicitly regulate AI, but Article 1 states that "creators are people," not artificial entities. In principle, this is strong enough as a basis that AI does not fall into the category of creators under current Indonesian law.

10. Legal Responsibility and Protection: Applies Only to Humans

Copyright is not only about recognition, but also about legal responsibilities and sanctions.

Important question: If an AI work causes violation or harm (e.g. plagiarism, SARA violation, spreading visual lies), who can be sued?

- AI cannot be sued in court.
- AI cannot pay compensation.
- AI has no moral consciousness.

Therefore, only humans can be held logically and legally accountable. Therefore, only humans deserve to be recognized as owners and creators, because only humans can:

- make conscious decisions,
- bear the legal consequences,
- and receive the benefits and burdens of copyright itself.

CHAPTER 7

AI in Music, Art, Writing, and Digital Content

Artificial intelligence (AI) is now entering almost every realm of creative life: from composing songs and painting to writing articles and automatically generating digital content. However, the most crucial question remains: can these results be considered legitimate works of art? If so, who owns them?

This chapter will discuss the role of AI in four main domains—music, visual arts, writing, and digital content—and then analyze its legal position and ownership logic, emphasizing the principle that AI is merely a tool, not a creator.

1. AI-Assisted Music: New Instruments, Not New Composers

AI can now compose music through machine learning-based software like AIVA, Amper, Soundraw, or Google's MusicLM. Some of the features offered include:

- Create melodies based on certain emotions.
- Produce rhythms according to a particular genre.
- Composing harmonies without direct musician intervention.

However:

- AI has never experienced the feelings of longing, joy, or heartbreak that are the source of musical inspiration.
- The “emotional sounding” song from AI is simply the result of statistical calculations from thousands of previous human works.

So:

AI is a compositional aid — like a digital piano or audio plugin — not a composer itself.

Copyright, in this case, remains attached to humans who:

- Give prompts or parameters,
- Determine the selected end result,
- Editing and distributing the work.

2. Visual Arts: Between Imitation and Expression

Als like Midjourney, DALL-E, and Stable Diffusion are capable of generating stunning images from text descriptions. But there are a few things to be aware of:

- AI simply combines visual patterns from millions of existing works.
- There is no life experience or sense of value behind the shapes and colors.
- There is no “creating soul” that composes messages, symbolic meanings, or personal ideas.

In other words, AI images are not paintings in the legal sense of art, but rather the product of a visual data processing system.

So, those who can be claimed as the owners of the work are:

- The person who created the descriptive prompt,
- Determine the style and shape,

- Curate hundreds of results, and choose one as the final one.

3. AI Writing: Mere Simulation of Reason

Chatbots like ChatGPT, Jasper AI, Copy.ai, and others are already widely used for:

- Writing news articles,
- Creating a novel narrative,
- Writing commercials, video scripts, and even academic essays.

But linguistically and epistemically:

- AI doesn't understand what it writes.
- AI simply sorts words based on statistical probabilities between phrases.
- There is no personal logical structure, values, or empathy behind AI writing.

So that:

- AI writing is simply the result of mechanical composition, not an expression of authentic thought.
- The value of “creativity” in writing still comes from the human who composes the prompt and edits the results.

In academic, legal, and journalistic practice, AI may be used as a research tool or initial draft, but it cannot replace the author as the copyright holder or ethical responsibility for the content.

4. Digital Content: Between Automation and Curation

Much of YouTube, TikTok, Instagram, and even podcast content is now created with the help of AI:

- Video with synthetic narration.
- Automatic background music.
- Automatic captions or storytelling from AI voice results.

However, what determines whether the content is a creative work is not the AI, but rather:

- The grand narrative that humans have constructed.
- Clip selection, transitions, voice intonation, expression, and timing.
- The communication purpose of the content itself.

It means:

AI only serves as a technical editing and execution tool., while the creative structure and concept remain human property.

5. Potential Dangers If AI Is Considered a Creator

If the law begins to recognize AI as a creator:

- There will be a loss of human role in the creative ecosystem.
- **AI system owners can monopolize thousands of works,** even though they do not contribute to creating artistic value or meaning.

- There will be legal confusion regarding who is entitled to royalties, licenses, and lawsuits for infringement.

Therefore, maintaining the position of humans as the center of creation is not only important from a moral and philosophical perspective, but also strategic for economic justice and legal protection.

Whether in music, art, writing, or digital content, the role of AI is becoming increasingly sophisticated. However, sophistication does not equate to creativity. AI lacks feelings, will, experience, or responsibility. Therefore, it cannot be considered a creator.

Those who deserve to be called creators are still humans who:

- Sparking the initial idea,
- Directing the creative process,
- Select, edit, and be responsible for the final result.

AI is a tool, not a source of creativity. So the law must be consistent: the results of AI can only be owned by humans who use it with intention and awareness.

The emergence of AI in the creative sphere—whether music, visual arts, writing, or digital content—is a major phenomenon that is changing the global production landscape. However, this change is instrumental, not fundamental. This means that AI is changing how we create, not who creates.

AI simply operates on existing data and generates output through algorithmic processing. It doesn't understand meaning. It has no intention. It can't claim its work is "art,"

"moving music," or "writing that advocates for justice." All interpretations and values come from humans—whether as AI users, editors, or consumers.

Under copyright law, what is protected is the expression born of human consciousness and will, not merely a form that "appears creative." Therefore, AI cannot—and should not—be positioned as the creator or owner of the rights to the works it produces.

In fact, the more sophisticated AI technology becomes, the greater the legal responsibility to ensure that:

- Human creators are not removed from the legal process.
- The use of AI remains subject to the principles of transparency, fairness, and accountability.
- Works involving AI are adequately labeled or explained so that the public knows that the human behind it is still responsible.

Just as a camera never becomes a photographer, just as a digital paintbrush never becomes a painter, so AI can never become an artist, writer, or composer. AI is a tool — a wonderful tool, but a tool nonetheless.

So the legal and scientific conclusions of this chapter are:

"Works involving AI can only be legally recognized if there is significant human creative involvement. Copyright ownership remains vested in humans as the sole legal subject."

CHAPTER 8

AI Is Not a Human: It's Just a Program

Amidst the technological euphoria, fundamental errors often arise in understanding the nature of artificial intelligence. Many consider AI to be a "new creative being" capable of creating, writing, composing music, and even performing works like humans. However, in scientific and legal studies, it is important to clarify that AI is not human, but merely a program—an algorithmic system created and driven by humans.

This chapter discusses why AI cannot be positioned on an equal footing with humans in the realm of intellectual property law, particularly copyright, and systematically explains that all results from AI still originate from human will and control.

1. AI is lifeless, unconscious, and has no intention.

First and foremost, ontologically, AI is not a living being. AI has no consciousness, will, intuition, or feelings. It is simply software that:

- Operate on command,
- Cannot choose freely,
- Have no motivation,
- Unable to take responsibility.

In cognitive philosophy and law, consciousness and responsibility are essential requirements for a person to have

rights and obligations. AI does not fulfill either of these requirements.

So logically:

If AI is not alive, conscious, and has no will, then it is not a legal subject. Therefore, it cannot be a copyright owner.

2. AI Works Based on Human Commands (Prompt Dependency)

Generative AI, like Midjourney, ChatGPT, or AIVA, requires human input to produce results. Without prompts, instructions, and user-defined parameters, the AI can't do anything.

It means:

- Each AI output is not the result of the AI initiative itself,
- But rather the result of a follow-up to human orders.

Example:

If someone types “write a poem about losing a father in Chairil Anwar’s style”, then the AI simply collects data from thousands of relevant poems and rearranges them based on word and style statistics.

Who has the initial idea? Humans. Who determines the tone, style, and content? Humans. Who chooses the best outcome? Humans.

So:

AI is just a tool, not a creator.

3. AI is a program designed by humans.

From a software engineering perspective, AI is an artificial system developed by:

- Computer engineers,
- Data scientist,
- Algorithm designer.

Every function, logic, and limit of AI's capabilities are derived from human design. AI cannot grow or develop beyond its system's boundaries.

Thus:

- AI doesn't create itself,
- AI does not develop originality,
- AI has no identity.

AI is a human invention—just like the microscope, the camera, or the printing press—only more complex. Therefore, copyrighting AI is like patenting a calculator.

4. There is no moral or legal reason to give AI creator status.

Copyright is granted to the creator for the following reasons:

- **He uses his energy and mind to create,**
- **He bears the social and legal risks of his creation,**
- **He can feel the benefits and responsibilities of the work.**

AI can't feel anything. It's not proud if its poem goes viral. It's not embarrassed if its image is deemed insulting to religion. It doesn't know, it doesn't care, and it's not responsible.

So in legal philosophy:

There is no moral or legal justification for making AI the owner of creative work.

5. AI is not a legal subject, but rather a technological object.

In the legal system, two main entities are recognized:

1. **Legal subjects:** A human being or legal entity that can have rights and obligations.
2. **Legal object:** Objects or tools used by legal subjects.

AI falls into the second category: legal objects. It's a tool like a computer, a typewriter, or an app. Nothing more.

And like any other tool, the work produced by AI remains the property of the humans who:

- Providing input,
- Set up the system,
- Use the results consciously.

No matter how sophisticated AI becomes, it's still just a program. It's lifeless, unconscious, intentionless, and irresponsible. Therefore, it cannot—and should not—be recognized as the creator of works.

Works produced with the help of AI remain the property of humans who have full control over the creation process. **Copyright cannot be separated from humans, because only humans are alive, conscious and meaningful.**

Equating AI with humans is a logical, ethical, and legal fallacy that could threaten the future of the intellectual property rights justice system.

Artificial intelligence (AI), no matter how sophisticated its ability to mimic human creativity, remains a product of creation—a non-biological entity lacking consciousness, values, or will. In law, computer science, and cognitive philosophy, AI falls short of being a creator because it is not alive, has no experience, and is incapable of intention or responsibility.

This logic is supported by three main principles:

1. Ontological Principle: AI Is Not a Subject, But an Object

In the basic order of legal philosophy, only legal subjects can create and have rights. Legal subjects are beings who have:

- Awareness of his actions,
- The capacity to have will,
- The ability to accept rights and bear obligations.

AI has none of that. It is a technological object—human-created, human-controlled, and human-programmed. Granting it creator status would violate the most fundamental boundary between tool and creator.

2. Epistemological Principle: AI Doesn't Know What It Produces

Human-created works of art, writing, music, or digital content stem from intention, meaning, and awareness. People write poetry because they feel lost, draw because they want to convey social criticism, and compose songs because they want to remember the past.

While AI simply rearranges data based on probabilistic patterns from existing information sets, it doesn't know:

- Why is the word "quiet" more poignant than "quiet",
- Why do minor notes sound sadder?
- Why do paintings with gray backgrounds create a dark atmosphere.

AI doesn't know that what it produces is "beautiful" or "meaningful." Without a sense of meaning, there is no creative intent. Without creative intent, there is no creation in the legal sense.

3. Normative Legal Principle: Rights are Given to Responsible Parties

The law only grants rights to those who can also assume responsibility.

- If there is copyright infringement, who can be sued?
- If the work causes harm, who is responsible?
- If the content of a work violates norms or offends a certain group, who is obliged to face the law?

The answer isn't AI, but humans. Therefore, under the principle of legal and moral responsibility, only humans deserve the authority to create, because only humans can be held accountable for their creations.

Ownership Claims: Only Logical If AI Is Considered a Tool

In many fields—from art to writing to music—AI can be analogized as:

- Brush in painting,
- Pen in writing,
- Camera in shooting.

The creator is a human subject. AI is merely a tool. So logically:

Copyright remains with the person who initiated, directed, and edited the creative process.

Changing AI's status from tool to creator violates legal common sense and opens up the opportunity for the tech industry to exploit the role of true creators.

Final Statement

Scientifically, philosophically, and legally:

- AI is not a living being, so it cannot be a legal subject.
- AI does not have consciousness, so it cannot have creative intentions.
- AI is not responsible, so it cannot bear rights.

Thus:

AI is not a creator. AI is a tool. And all works involving AI remain the expression of human direction, choice, and meaning.

Granting copyright to AI means removing humans from the creative ecosystem, denying legal responsibility, and creating a power imbalance between AI system owners and ordinary users.

Therefore, it is important for the legal system — including Indonesian law — to immediately define a clear boundary between tools and creators, between programs and humans, between artificial intelligence and true consciousness.

Because AI is not human, not a living being, and does not possess consciousness, making it a creator is a legal error that threatens the foundation of fairness in the copyright system.

CHAPTER 9

Case Study: When AI Is Rejected as Creator

Amid the rapid adoption of artificial intelligence in various fields, a number of countries and legal bodies have tested copyright claims filed in the name of AI. The results have been consistent and unequivocal: AI is not the creator and is not recognized as a copyright holder.

This chapter discusses a number of actual case studies that strengthen the legal basis that works produced by AI are not legally recognized as creations of the AI itself, but must be attributed to the role of humans who control or direct the creative process.

1. The “Zarya of the Dawn” case – United States (2023)

Background:

Author Kristina Kashtanova created a graphic novel titled Zarya of the Dawn and filed a copyright application with the US Copyright Office (USCO). She openly admitted that all the illustrations in the comic were created using the AI Midjourney, while the script was written by herself.

Decision:

- USCO grants copyright only to the script, panel arrangement, and layout design elements.
- However, it refused to grant copyright to the part of the illustration that was entirely created by AI, because it was deemed not to qualify as a “human creation.”

Legal reasons:

“Works generated automatically by technology without human intervention cannot be granted copyright protection.”

Implications:

- The use of AI must involve human creative processes to be protected.
- Recognizing the human role in prompting, editing, and curation is important for establishing copyright.

2. The “DABUS” case – UK, EU and USA (2019–2022)

Background:

Dr. Stephen Thaler filed a patent on behalf of an AI system called DABUS (Device for the Autonomous Bootstrapping of Unified Sentience), claiming that DABUS is the “inventor” of two technical inventions.

Judgments in various jurisdictions:

- **United Kingdom Intellectual Property Office (UKIPO):**reject patent claims.
- **European Patent Office (EPO):**rejected the application because “the inventor must be human.”
- **United States Patent and Trademark Office (USPTO):**stated that AI does not qualify as an inventor.

Principles emphasized:

"Inventorship requires a natural person. An AI system cannot form the legal intent or responsibility needed for patent rights."

Implications for copyright:

- Just like patents, copyrights are also based on human expression.
- AI as an 'inventor' or 'creator' violates the principle of legal authorship.

3. UKIPO Guidance Case – United Kingdom (2022)

Context:

In its 2022 guidelines, the UK Intellectual Property Office (UKIPO) updated its policy on the use of AI in the creation of works.

Contents of the guidelines:

- If AI is used as a tool, and there is a creative contribution from humans, then copyright is still recognized by humans.
- However, if there is no human creative contribution, the work does not qualify as a copyrighted work.

Important statement:

"Copyright belongs to humans, not machines, because only humans have creative capacity and moral responsibility."

4. Case "Théâtre D'opéra Spatial" – France / Colorado State Fair (2022)

Context:

Jason Allen won an art competition with his digital painting, "Théâtre D'opéra Spatial," created through Midjourney. The win sparked public controversy because the work was not created by human hands.

The debate and its aftermath:

- The public considered that the work lacked human originality, and was simply the result of a combination of algorithms.
- Art competitions subsequently began to prohibit the use of AI without explicit declaration, calling into question the validity of artistic value and ownership of its rights.

From various real case studies that have occurred in the United States, Europe, and England, it can be concluded firmly and scientifically that:

1. **AI is not recognized as a creator or inventor by legal institutions in the world.**
2. **AI results can only be copyrighted if there is a significant and creative human contribution.**
3. **International law rejects the recognition of AI as a legal subject because it does not fulfill the elements of awareness and responsibility.**

This case study provides empirical evidence that copyright recognition remains inherent in humans, and that AI can only

function as a technical instrument. Granting copyright to AI is not only legally flawed but also opens the door to massive intellectual property abuse by those controlling AI systems.

Scientific and Logical In-depth Study of Case Studies

1. The Concept of “Creator” in a Global Legal Perspective

Internationally, the definition of “creator” in copyright law is based on the philosophy of natural law and legal positivism. Copyright is considered:

- Arising from original personal expression,
- The result of human creativity (intellectual effort),
- Bound by moral and legal responsibility.

In the Berne Convention for the Protection of Literary and Artistic Works, which is an international reference, the word “author” implicitly and explicitly refers to humans, not machines, robots, or programs.

In other words:

AI does not fall within the legal scope of the Berne Convention, the TRIPS Agreement, or any European or Anglo-Saxon legal instrument.

2. Philosophical Arguments for Technology: Why AI Cannot Be a Legal Subject

AI is a system that works through:

- **Algorithm**, namely mathematical instructions composed by humans;
- **Data**, which is obtained from humans;
- **Prompt**, which is determined by humans.

Thus, all AI output is the result of:

Technological processes are based on statistics, not intellectual expressions of consciousness or feeling.

In the philosophy of technology (Heidegger, Floridi), technology does not create meaning, but merely reproduces or optimizes commands. So when AI produces a poem or a painting, all that happens is:

- **Recombination** from existing patterns,
- Without the accompanying dimensions of meaning, intention, or responsibility.

This is what differentiates AI from humans:

**Humans create because they possess will and consciousness.
AI simply processes because it's programmed to do so.**

3. Additional Case Study: Google DeepMind and “AlphaCode”

Context:

Google's AI, AlphaCode, has successfully generated programming code automatically and solved problems comparable to those of professional programming competitions.

Legal response:

- No country recognizes AlphaCode as the patent owner for its coding solution.
- All results generated by AI are by default owned by the corporate entity or individual operating it.

Legal meaning:

Even if AI can complete complex tasks autonomously, the law still refuses to grant ownership rights to the system itself, as it lacks legal will and legal responsibility.

5. The Dangers of Ignoring This Case Study

If the world ignores the results of this case study and begins to recognize AI as a creator, then a number of serious risks will arise:

a. Technology Corporate Monopoly

- Large companies can register thousands of AI-generated works without human intervention.
- This could kill the individual creative ecosystem because the financial and technological power of companies is unmatched.

b. Erosion of Human Values

- Art and writing will lose their humanistic dimension.
- The assessment of “work” becomes merely technical and statistical, not an expression of conscience.

c. Unclear Responsibility

- If a work causes a legal violation (slander, SARA, visual violence), who is responsible?
- AI cannot be tried, punished, or asked for clarification.

Scientific and Legal Conclusions

From the overall case study, legal logic analysis, and epistemological approach, it can be emphasized that:

1. **AI is a powerful tool, not a legal subject.**
2. **Works produced by AI without human creative intervention cannot be given legal protection.**
3. **Copyright is permanent and can only be granted to humans — individuals who are living, conscious, and capable of taking responsibility.**
4. **Giving AI rights is a path to technological domination over human values of justice, authenticity, and expression.**

Thus, all these case studies are not just legal incidents, but a global warning for us to keep technology subservient to humans, not the other way around.

CHAPTER 10

Ethical Perspective and Legal Philosophy

Beneath the legal-formal framework of copyright lies a deeper and more fundamental foundation: ethics and legal philosophy. Without this foundation, law is merely a mechanical tool that can be manipulated by powerful interests or technology. Therefore, understanding the position of artificial intelligence (AI) in the world of intellectual property must involve ethical and philosophical dimensions to avoid a disconnect between law, justice, and humanity.

This chapter will examine why AI is not worthy of being considered a legal subject from the perspective of ethics, morals, and classical and modern legal philosophy. This assertion is crucial to ensuring that law is based not only on certainty (lex) but also on justice (ius).

1. Creation Ethics: Rights as a Consequence of Responsibility

Ethically, copyright is not just legal protection, but is an appreciation for a person's hard work, creativity and moral responsibility for his creations.

Three main ethical reasons why copyright is inherent in humans:

- Humans create with intention and inner expression.
- Humans can be held morally and legally responsible for their work.
- Humans create not just for function, but for value, meaning, and cultural contribution.

AI does not have:

- Moral will,
- Ethical capacity,
- Knowledge of the social implications of what it “produces.”

So ethically:

It is unfair to grant copyright to an entity that cannot understand, feel, or be responsible for the creation itself.

2. Natural Law Philosophical Perspective: Works Born from Reason and Conscience

In the natural law tradition, law stems from human nature. Property rights to works (including intellectual works) are seen as an extension of reason and individual freedom.

Thinkers such as Thomas Aquinas and John Locke argued:

- Ownership is born from the combination of private enterprise and freedom of expression.
- Rights belong to a person because he unites something with himself through work and awareness.

AI has no soul, reason, or freedom. So in principle:

It is impossible to grant moral and legal rights to a system that does not have the same existential foundations as humans.

3. Positivist Legal Philosophy Perspective: Legal Subjects Must Be Responsible

Modern legal philosophy, including Hans Kelsen's legal positivism, teaches that a modern legal system must be able to:

- Clearly designate the legal subject,
- Providing equal rights and responsibilities,
- Ensure that every right can be claimed and every violation can be punished.

The question is:

Can AI be held accountable for the work it produces?

Answer: No.

AI has no will. It cannot be judged. It cannot be charged, punished, or questioned. Therefore:

Copyrighting AI would create a legal entity without responsibility., and this is contrary to any legal theory.

4. Humanist Perspective: Maintaining Human Uniqueness and Dignity

In humanism, humans are seen as creatures who have:

- Aesthetic sense,
- Existential experience,
- The desire to convey messages, values and cultural heritage.

Human works are expressions of personality. Even in modern copyright law, the doctrine of moral rights is recognized—rights inherent in the creator personally, such as the right to be recognized as the creator and the right to the integrity of the work.

AI has no personality, identity, or heritage. Therefore, it cannot have moral rights.

If AI is copyrighted:

- Human values will be replaced by technocratic values,
- Art will become a machine production, not an expression of conscience.

5. Ethical Risks If AI Is Considered a Creator

Some ethical dangers that arise if AI is given creator status:

- **Deconstruction of the meaning of human work:** Human work will be considered less authentic than algorithms.
- **Exploitation by system owner:** Corporations can claim thousands of “works” from AI systems without mentioning the role of the user.
- **Inequality of access and justice:** Traditional creative workers will lose their economic rights and legal identity.

From the perspective of ethics and legal philosophy, it can be concluded that:

1. **Copyright is an expression of justice for human creative work and moral responsibility.**
2. **AI has no intentions, values, or responsibilities — therefore, it does not deserve rights.**
3. **Recognition of creative works must remain based on humanistic principles and values of justice, not just on technological functions.**
4. **The separation between tool and creator is a moral imperative, not just a legal norm.**

Granting copyright to AI is an act that violates legal logic, undermines the principle of justice, and obscures the existential meaning of humans as creative beings.

The next chapter will discuss how this condition directly impacts creative industry players — especially artists, writers, and musicians — and how laws must be present to protect them from unfair disruption by technology.

Copyright is not merely a product of administrative law, but rather arises from ethical awareness and the philosophy of humanity: that humans create because they are conscious, intentional, and responsible. This is a moral foundation that cannot be replicated by any system, including AI.

From an ethical perspective, AI lacks moral consciousness and cannot be held responsible. Therefore, granting it rights would be a betrayal of the principle of distributive justice.

From the philosophy of natural law, rights are inherent only to beings with reason and free will. AI, as a soulless statistical system, does not fulfill these requirements. Therefore,

equating AI with humans is an ontological and epistemological error.

From a legal positivism perspective, AI is not a legal subject because it cannot be held accountable. And in humanism, creative works are extensions of personality—something AI lacks because it lacks identity.

So the conclusion: Considering AI as a creator not only violates positive law, but also violates ethical reasoning, undermines the integrity of the legal system, and blurs the lines between technology and humanity.

In other words: AI is just a tool. And only humans can be called creators. Because only humans are capable of understanding meaning, feeling responsibility, and consciously creating.

CHAPTER 11

International Legal System

As artificial intelligence (AI) technology advances, the global community faces a serious challenge in establishing the legal status of works involving AI. This puts pressure on the international legal system to answer a key question: Can AI be considered an author within the framework of globally applicable copyright law?

This chapter reviews the international legal system regarding copyright, highlighting the principles of various multilateral conventions and treaties, and confirming that to date, AI has not been recognized as a subject of international law in the context of intellectual property.

1. Berne Convention (1886 – applies globally)

The Berne Convention is the cornerstone of international copyright protection, and has been ratified by more than 180 countries. This document sets out the basic principles that:

“Copyright is granted to human creators of their original literary and artistic works.”

Key points:

- There is not a single article in the Berne Convention that opens up the opportunity for non-human entities to become copyright owners.
- The term "author" always refers to a natural person, not an artificial entity.

- Copyright is automatically attached to humans without the need for registration, indicating the connection between the work and human existence itself.

Thus:

AI, as a computer program, does not qualify as a subject of protection under the Berne Convention.

2. TRIPS Agreement (WTO – 1994)

The TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement, which applies under the World Trade Organization (WTO), strengthens the principles of the Berne Convention and adds copyright regulation in the context of global trade.

Characteristics of TRIPS:

- Requires member states to provide protection for works based on the principle of originality.
- Not recognizing the AI system as the owner or creator of the work.
- Emphasizes that copyright protection must be consistent with the principles of legal responsibility and clarity of ownership.

AI has no legal responsibilities, so in the TRIPS regime, AI cannot be called an intellectual property rights holder.

3. WIPO (World Intellectual Property Organization)

As the UN body responsible for intellectual property, WIPO has begun to seriously examine the place of AI in the global legal system. However, to date:

- **AI is not yet recognized as a creator** in official WIPO documents.
- Several WIPO technical reports actually reinforce the position that humans remain at the center of creativity and intellectual property law.
- The discussion process is still limited to regulations on the use of AI, not the recognition of AI as a rights holder.

WIPO states that:

“Technology must be developed and used responsibly, while upholding humanitarian values and the rights of human creators.”

4. European Union and Anglo-Saxon Legal Systems

a. European Union

- The European Union Copyright Directive (EUCD) states that copyright protection is granted to “natural persons.”
- The results of algorithms or software can only be protected if they are part of human creative expression.

b. United States

- The US Copyright Office has determined that “Only works created by human authors are entitled to copyright protection.”
- AI works without human intervention are explicitly denied legal protection.

c. United Kingdom (UKIPO)

- The UK has specific laws that recognize ownership of computer works if “there is human creative control over an automated process.”
- However, pure AI is still not the owner of rights, but rather humans who direct the system.

5. Global Harmonization and Future Challenges

To date, no major international legal system recognizes AI as a creator. However, there are challenges ahead:

- Global technology companies are starting to push for the “recognition” of AI output as a legal asset.
- Countries that are not yet regulatory ready can become a loophole for exploitation by entities that want to position AI as the owner of the work to avoid responsibility or limit user rights.

Therefore, it is necessary:

- **A clear international consensus** to prohibit legal recognition of AI as a creator.

- **National and regional legal reform** which explicitly distinguishes between AI tools and human creators.
- **Global ethical guidelines** to guarantee the protection of the rights of human creators in the technological era.

From all the international legal systems currently in force, whether in the Berne Convention, TRIPS, WIPO, or regional legal systems, it can be concluded scientifically and legally that:

1. **AI is not recognized as a legal subject of creation.**
2. **Copyright is permanent and only attached to humans.**
3. **Any form of legal protection for works involving AI is only valid if there is a real human creative contribution.**
4. **Recognizing AI as a creator would violate international legal agreements and disrupt the global system of legal responsibility.**

The world's legal system has drawn a line: only conscious and responsible living beings can be called creators. AI, no matter how complex, remains outside that line.

Conclusion

The entire international legal system—whether multilateral conventions like the Berne Convention and the TRIPS Agreement, or institutions like WIPO, the US Copyright Office, the European Union, and the UKIPO—has consistently stated that only humans can be recognized as creators of copyrighted works. No valid international regulation recognizes artificial

intelligence (AI) as a legal subject in the context of copyright ownership.

AI is a non-biological technological entity that:

- Having no consciousness or will,
- Unable to bear legal responsibility,
- Lacking motivation, intention, or personal expression.

Therefore, from the perspective of international law:

1. **AI is just a tool, not a creator.**
2. **AI output cannot be protected as a “creation” unless there is a human creative contribution.**
3. **Recognizing AI as a creator is a violation of the basic principles of the international legal system, which requires creators to be legally responsible subjects.**
4. **Transferring copyright to AI has the potential to open up loopholes for industrial exploitation, robbing human artists and creative workers of their rights.**

Logically, rights can only be held by those who can also bear obligations. AI cannot be sued, cannot be held morally or legally responsible, and has no will or ownership of meaning. Therefore, granting copyright to AI is tantamount to removing the logic of responsibility from the law itself.

The final conclusion is clear: in the international legal system in force today and for the sake of maintaining fairness and the sustainability of the intellectual property ecosystem, AI cannot and should not be considered a copyright holder.

CHAPTER 12

Indonesia's Position and the Urgency of Regulatory Reform

Despite the rapid development of international discourse on copyright and artificial intelligence (AI), Indonesia remains lagging behind in specifically addressing these new legal challenges. In a global context that has affirmed that AI cannot be a copyright holder, Indonesia needs to firmly define its legal position, strengthen protection for human creators, and avoid creating a legal vacuum that could be exploited unfairly by certain parties.

1. Indonesian Copyright Law: Does Not Yet Explicitly Address AI Issues

Law Number 28 of 2014 concerning Copyright stipulates that:

"Copyright is an exclusive right for the Creator that arises automatically after a creation is realized in a tangible form."

This law defines a creator as:

"One or several people who individually or together produce a creation that is unique and personal."

Important implications:

- The Indonesian Copyright Law normatively only recognizes humans as creators.
- There is no explicit or implicit recognition that AI can be a legal subject or copyright owner.

However, the lack of strict regulation of AI output creates potential loopholes that can be exploited:

- Certain parties may claim AI work as original without acknowledging the human role behind the prompt.
- Institutions or corporations can try to register “AI creations” in the name of the business entity, not the actual human creator.

2. Weaknesses of Indonesia's Current Legal Position

Some regulatory weaknesses that need to be addressed immediately:

a. There is no legal definition of AI output yet.

Indonesian law does not yet make a clear distinction between:

- Pure human work,
- Human work with the help of AI,
- Works completely generated by AI.

b. Absence of AI-Based Copyright Registration Guidelines

There is no requirement for copyright applicants to state whether their work involves AI. This makes it difficult to verify originality and makes it potentially misappropriable.

c. There are no ethical regulations or responsibilities for AI-based works.

What if AI output violates social, religious, or legal values? Who is responsible? Our laws don't yet provide clear guidance.

3. The Urgency of Regulatory Reform: Why Immediately?

a. To Protect the Rights of Human Creators

Without legal certainty, human creators are vulnerable to economic and moral harm because their work can be obscured by the results of automated systems.

b. To Ensure Digital Social Justice

In the AI era, there is a significant disparity between those with access to technology and those who are merely end users. Legal reform is a tool to ensure that technology remains subject to fairness.

c. To Adapt to the International Legal System

If Indonesia does not immediately align its basic principles with systems such as the Berne Convention and TRIPS, then:

- The potential for cross-border legal conflicts will increase.
- The credibility of Indonesia's intellectual property law system will be weakened in international forums.

4. Recommendations for the Direction of Regulatory Reform in Indonesia

The following steps can be the focus of reform:

1. **Developing a clear legal definition** about the role of AI in the creation of works.
2. **Adding articles to the Copyright Law** that “Only humans can be recognized as creators and copyright holders.”
3. **Setting up transparency mechanisms** in copyright registration involving AI, including the obligation to declare the use of automated systems.
4. **Establishing a digital ethics body** which provides guidelines and oversight for the use of AI in the arts, literature, music and digital content sectors.
5. **Conducting massive socialization** to creative industry players so that they understand their rights in facing AI penetration.

Indonesia currently does not have clear and explicit regulations regarding AI and copyright, but its legal framework still favors human creators in principle.

However, the absence of specific regulations creates serious loopholes that can harm creators, weaken legal protections, and pave the way for technological monopolies in the realm of creativity.

So the conclusion is:

Indonesia must immediately reform copyright regulations that explicitly position AI as a tool, not a creator.

Only with these proactive steps can Indonesia:

- Protecting human creative workers,
- Building a just and modern legal system,
- Be part of a responsible global community in the era of artificial intelligence.

Conclusion

Based on the legal framework applicable in Indonesia through Law Number 28 of 2014 concerning Copyright, and analyzed in the context of legal logic and technological developments, it can be stated that:

AI does not have legal capacity as a creator, and therefore, is not entitled to copyright protection for published works — in any form.

This conclusion is built on the following basis:

1. **The legal definition of creator explicitly refers to humans.**, namely individuals who have will, awareness and legal responsibility for their creations.
2. **AI is an artificial system, not a legal subject**— he cannot be considered as a party who can own or be sued for rights.
3. **Published works remain subject to the principle of human originality.**.. If there is no human creative role, then the work cannot be legally called a "creation".
4. **When the work is generated by AI automatically**, then its legal status depends on the human being who gives the instructions, edits, or interprets the results.

Without a creative human role, the work does not meet the requirements of copyright protection.

5. **Granting copyright to AI would disrupt the legal accountability system.**, opening up loopholes for the misuse of technology, and harming human artists and creators who have been the backbone of the national creative economy.

Therefore, Indonesia must take a firm stance: AI can only be positioned as a technological tool, not as a legal subject, let alone a rights holder for works that have circulated or been published in the public space.

Without explicit regulation, Indonesia risks:

- Legitimizing the exploitation of technology without accountability,
- Ignoring the rights and recognition of human creators,
- Experiencing legal chaos in the protection of digital works and their distribution.

Legal reform cannot be postponed. The law must ensure that creativity, recognition, and protection are given only to those who truly create — not to systems that simply run algorithms.

The main conclusion: in Indonesian positive law and in sound legal reasoning, AI cannot hold copyright over any work that has been or will be published, because it is not the creator, not the owner of the will, and not an entity with legal standing.

In a just and rational legal system, only humans deserve to be recognized as creators, because AI is merely a tool without

consciousness, will, and responsibility—and therefore never has, and never will, be entitled to copyright on any published work.

CHAPTER 13

Protection for Human Creators in the AI Era

The era of artificial intelligence has revolutionized the creative world. From visual art and music to writing and programming code, AI is now capable of producing output that resembles—and even surpasses—human-generated standards. However, this revolution raises a fundamental question: Who owns the rights to works produced with the help of AI?

This chapter asserts scientifically, logically, and normatively that:

Every work created — even if it involves AI as an aid — must still have a copyright owner, and humans are the only parties legally entitled to hold that status.

1. A work does not exist in a vacuum: there must be a creator.

Legally and logically, no work exists without a creator. Every form of creative expression, even if generated through an automated system, must have:

- Initiation (who starts),
- Instructions (who directs),
- Interpretation (who processes and selects the final result).

AI can only work based on:

- **Prompter** human commands,

- **Data**determined by humans,
- **Parameter**composed by humans.

This means that when a song, image, poem, or article is generated by AI, the real creative value comes from the humans who gave it form, direction, and meaning.

2. Legal Principle: Whoever Produces, Owns

In intellectual property legal theory, the principles apply:

“Creation confers ownership” – Whoever creates, is the owner.

However, in the context of AI, “creating” does not necessarily mean holding a brush or writing word for word, but includes:

- Designing ideas and concepts,
- Writing prompts or creative direction,
- Selection of results and editing of AI output.

In this context:

- **Humans are the architects of the creative process.**
- AI is just a tool, like a brush to a painter or a camera to a photographer.

Without human intervention, AI produces nothing. Therefore, copyright on the work:

Legally and ethically, it is inherent in the human being who initiates and directs the process.

3. Scientific Aspect: Creativity Involves Intention and Awareness

Intellectual work is not only judged by its final result, but by the creative process that involves the creator's intention and awareness.

In cognitive psychology and philosophy of art:

- Creativity is the interaction of imagination, experience, and emotional expression — all human attributes.
- AI works through statistical patterns and predictions, not consciousness or inner experience.

Thus:

Even if AI produces “creative-seeming” output, copyright cannot be separated from the human intent and consciousness that triggered it.

4. Social and Economic Impacts: Ignoring Human Creator Rights is a Real Threat

If an AI-generated work is left without human ownership, or — worse — claimed to be “purely AI-generated,” then:

- **Legal ambiguity:** Who is responsible if the work violates norms or laws?
- **Economic losses:** Human creative workers will lose protection over the works they initiate or edit.

- **Inequality of power:** AI-owning corporations can dominate the market without involving fair human contributions.

So, from a social justice perspective:

It is legally mandatory to establish humans as the rightful owners of works involving AI, so that there is no elimination of the value of their work and economic rights.

5. Global Regulatory Support: International Practices Reject “Works Without Authors”

As explained in the previous chapter, the international legal system such as:

- **Berne Convention,**
- **TRIPS Agreement,** And
- **US Copyright Office** consistently deny legal protection to works not produced by humans.

Instead, they:

- Recognize copyright in humans who use AI as an assistive device, provided there is real creative intervention.
- Reject AI as a rights holder, because it does not fulfill the elements of responsibility, will, and legal identity.

In the AI era, the basic principles of copyright remain unchanged: creative works must still have an owner, and the only rightful owner is a human who:

- Providing ideas and direction,
- Directing the creative process,
- Determining the final result that is worthy of being called a “creation”.

Every work created—even with the help of AI—must be protected by law, and that protection can only be granted to humans who played an active role in the creation process.

Removing works from human owners means weakening legal protections, eliminating justice, and destroying the fundamental values of creativity itself.

So, in the AI era, it's even more important to emphasize: only humans can own copyright. Without humans, there is no creativity. Without human creativity, there is no legal value in works.

6. Legal Construction: AI Does Not Meet the Subjective Elements in Copyright

In copyright law doctrine, there are two main elements in the birth of copyright:

1. **Objective elements**– the existence of works that are manifested in real form (such as images, text, music).
2. **Subjective elements**– the existence of human creators who have will, creative intentions, and legal capacity.

AI can “help” realize objective elements, but it fails to fulfill subjective elements at all. Without will, without consciousness, and without moral/legal responsibility, AI cannot be classified as a creator or rights holder.

This is the fundamental flaw in the claim that AI can own copyright: AI has no legal subject. It cannot be an "owner," because it is not a "person."

7. Logic of Ownership: From Prompt to Rights

Every work produced with the help of AI actually starts with human input in the form of prompts, directions, curation, and final decisions.

In legal analogy:

- Prompt is a scenario script.
- AI is an automatic camera.
- The human user is both director and editor.

So, the logic is:

- Without a prompt, the AI won't produce anything.
- Without humans selecting and evaluating the results, no creative value can be recognized.
- So it is humans who control the substance, context, and output of the work.

This confirms that:

Creativity in the context of AI lies not in “who processes”, but in who directs the process. And the direction, values, and intentions always belong to humans — not machines.

8. Interdisciplinary Argumentation: Technological, Psychological, and Legal Perspectives

From an interdisciplinary approach, the position of humans as copyright owners remains dominant:

- **Technology:** AI is deterministic and lacks consciousness. It simply executes programs based on human-defined data.
- **Creative psychology:** Creativity is not just about results, but also cognitive and emotional processes — something AI lacks.
- **Philosophy of law:** Rights are born from free will and the capacity to take responsibility — two conditions that AI cannot possibly fulfill.

Thus, the interdisciplinary scientific approach concludes:

AI has no locus of authorship and therefore cannot be recognized as a legitimate legal subject of any work.

9. Protection of the Moral and Economic Rights of Human Creators

In the modern legal system, copyright is not only an economic right, but also a moral right which:

- Personally attached to the creator,
- Not transferable,
- Stating that work is part of a person's personality and reputation.

Since AI has no identity, reputation, or dignity, then:

- AI cannot be the subject of moral rights.
- Putting the name AI as “creator” means erasing the existence of the human creator, which is legally a form of moral erasure.

Only humans can feel pride, appreciation, or harm from the use of their work. Therefore, only humans have the right to legal recognition for their creations.

AI is not a creator. It has no will, cannot be held responsible, and has no identity. Therefore, any work involving AI must still have a copyright owner, and the only legitimate owner is a human who:

- Directing the creative process,
- Write or design a prompt,
- Taking final creative decisions,
- Have legal and moral responsibility for the results.

Granting copyright to AI means leaving a void of responsibility, killing the value of human originality, and opening up space for technological exploitation without accountability.

In contrast, asserting human ownership of AI-based works is a scientific, ethical, and legal step that ensures:

- Economic justice,
- Legal clarity,
- And the sustainability of a dignified creative ecosystem.

Final conclusion: In a sane and just law, AI is not the owner of human works; it is the sole legitimate creator.

No technology, no matter how sophisticated — including AI — can replace the basic fact of law: that only humans have the will, responsibility, and consciousness to create.

AI is a tool. It never has any intentions, cannot be blamed, cannot be credited, and cannot claim anything. Therefore, any work created, even with the assistance of AI, can only be legitimately recognized as the work of the human who directed it.

To exclude humans from copyright ownership of works whose creative process they lead is:

- **Legal injustice,**
- **Violation of moral rights,**
- **And deviations from the principle of legal responsibility.**

Only humans have the right to copyright — because only humans truly create, in the full legal, logical, and human sense.

CHAPTER 14

Policy Recommendations and Practical Implications

Amidst the rapid development of artificial intelligence (AI), national and global legal systems face an urgent need to adapt without neglecting the principles of justice and the protection of the rights of human creators. Indonesia—as a nation rich in creative talent—cannot afford to remain passive. Concrete steps are needed, both in legal policy and practical application, to ensure that every work, even if produced with the assistance of AI, remains grounded in justice, legal certainty, and respect for human beings as legal subjects.

This chapter presents concrete policy recommendations and practical implications that must be implemented immediately to protect copyright in the AI era and maintain the rule of law in the digital realm.

1. National Legal Policy Recommendations

a. Revision of the Copyright Law (UU No. 28/2014)

- Add an explicit definition of “AI-based work”.
- Emphasize that AI cannot be a creator or copyright holder.
- Include a clause stipulating that copyright for works involving AI remains with the human who directed or controlled the creative process.

b. Issuance of Implementing Regulations

- Create ministerial regulations or Director General's Decrees that regulate:
 - **Registration requirements for works involving AI**, including openness about the use of AI in the creative process.
 - **Evidence of human involvement** in the creation process to ensure the legitimacy of copyright claims.

c. National Digital Ethics Guidelines

- Establish a Technology and Creativity Ethics Council that oversees the use of AI in content production, preventing plagiarism, mass manipulation, and the erasure of human contributions.
- Implement administrative sanctions against entities that misuse AI technology to conceal ownership of original creators.

2. Practical Implications in Copyright Protection

a. For Creative Workers

- Use employment contracts and licenses that explicitly state who the legal copyright owner is for works involving AI.
- Document the creative process, including prompts, revisions, and curation, as evidence of human contribution.

b. For Digital Platforms

- Require transparency on the use of AI in content (system labeling: “AI-assisted by humans”).
- Provide reporting features for creators who feel their work has been violated by unethical AI results.

c. For Industry and Business Actors

- Do not claim AI as the “creator” or “owner of content” in marketing, so as not to violate legal and ethical principles.
- Use AI responsibly as a tool, while still giving space to human creators.

d. For Government and Regulators

- Integrate AI and copyright issues into legal curricula and professional training.
- Collaborate across ministries, such as the Ministry of Law and Human Rights, the Ministry of Communication and Information, and the Ministry of Tourism and Creative Economy, to build an equitable AI ecosystem.

Consequences If Not Regulated Immediately

- **Unfortunately**, without explicit regulation:
- Copyright will become increasingly blurred and easier to claim illegally.
- Human artists and creators are being marginalized by AI-based corporations.

- The law becomes weak in the face of technological demands that move much faster.

So, silence is a legal defeat. Delay is an opportunity for injustice to take root.

Indonesia has enormous potential in the digital creative world. But that potential must be safeguarded through a legal system that is responsive to the times and pro-people.

AI is a tool, not a legal entity. Humans are creators, and only humans are worthy of protection by law.

Therefore, firm, adaptive, and ethical policies and regulations are the only way to ensure that technology does not swallow up human rights — but instead becomes a tool to strengthen justice, creativity, and humanity amidst the global digital flow.

Conclusion

AI development must not be allowed to proceed without legal direction. Without a firm regulatory framework, we are opening the door to the erasure of human creators' rights, the degradation of legal justice, and the unaccountable monopoly of technology.

The law should not be subject to technology. Instead, technology must be controlled by legal principles that protect humans as the main subject.

Work, in the legal sense, is not just about the end result, but about the process, intention, and responsibility — all elements that only humans, not AI, possess.

Thus:

- **Every AI-based work must still have a human as the copyright owner.**
- **AI only acts as a technical tool, not a legal entity.**
- **Clear regulations are the main bulwark for protecting creators' rights, economic justice, and the sustainability of creativity.**

Without intelligent and progressive legal intervention, we risk letting a new era be dominated by a system without soul, without ethics, and without responsibility.

The stark conclusion: only through human-centered regulatory reform can we ensure that creativity remains human, law remains rational, and technology remains ethical.

CHAPTER 15

Maintaining the Dignity of Human Creativity

In an era where artificial intelligence (AI) is increasingly integrated into the creation of art, writing, music, and digital content, the biggest question is not simply who creates — but how we preserve the noble value of creativity itself.

This chapter is not merely a conclusion, but a reminder: that, in essence, human creativity is not just about products, but about dignity—the dignity of thinking, feeling, creating, and being responsible. This is what distinguishes humans from machines. And this should be the central axis of any legal and ethical system that wishes to survive the rapid changes of the times.

1. Creativity Is Not Just Production: It Is a Mirror of Humanity

Art, literature, music, and other intellectual works are never simply "end products." They are reflections of the soul, the product of life experiences, anxieties, loves, wounds, and hopes. These are things that cannot be programmed, cannot be coded, and cannot be truly replicated by AI.

AI may be able to form words, draw pictures, or create melodies—but it doesn't feel anything. It has no meaning. No personal history, no trauma or dreams, no moral choices.

Thus, to regard AI work as equal to human work is to reduce the dignity of creativity to statistical calculations.

2. Technology may advance, but dignity cannot decline

AI can and should be used to assist humans in creating. But if we allow it to replace the role of creators, it will threaten not only copyright—but also the very existence of human creative civilization.

The law not only protects rights, but also protects values. And the highest value of copyright is the recognition of human intellectual work.

To erase that recognition would mean erasing the human being from the history of his own work.

3. Moral and Legal Responsibilities in the AI Era

The law's job is not just to process claims and conflicts. It must also:

- **Upholding the integrity of human values**, amidst a flood of technological innovation.
- **Maintaining a balance between efficiency and ethics.**
- **Providing a proper place for humans as the highest legal subjects** in creative space.

Without the presence of laws that support human dignity, AI will transform from a tool into an impersonal force that blurs who deserves respect and who deserves protection.

4. The Future of Copyright: Justice or Void?

Our choices today will determine the future:

- If we establish that only humans can own copyright, we are building a just and civilized digital civilization.
- If we allow AI to take the place of humans in copyright law, we are creating a space where there is no more personal meaning in work, no more responsibility, and no more dignity.

Creativity that loses its human owner will become merely a soulless product.

Protecting human copyright is not just a matter of law but a matter of protecting human existence itself in the created landscape.

Creativity is identity. It arises from a process that cannot be copied by machines, and therefore, only humans deserve to be respected as creators.

Therefore, the law must be firm:

- AI is just a tool.
- The work remains the property of humans.
- The dignity of the creator cannot be transferred to a non-living system.

Amidst unstoppable technological advancements, the law must be a bulwark of human dignity. For as long as there is meaning in creation, humans must not be replaced by machines.

Final Conclusion Affirmation

Creativity is the essence of being human. And just laws are those that place humans at the center of all creation.

No matter how advanced the algorithm or how beautiful the results the AI produces, without humans, there is no will. Without will, there is no creation. Without copyright, there are no rights.

Therefore, any work created—even if it involves AI—can only be legally considered a creation if there is a human behind it. And only that human is worthy of legal protection.

Letting AI take its place as creator means:

- Stripping true creators of their own work,
- Tearing down moral values in copyright law,
- And allowing humanity to be obscured by inanimate mechanisms.

The conclusion is clear: if we do not safeguard the dignity of human creativity today, then tomorrow we will live in a world full of works — but empty of creators. And at that moment, we not only lose our rights, but we lose who we truly are.

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Biodata

About the Author

Muhammad Ari Pratomo, which is widely known by the name **Muhammad Ari Law**, born on **June 21, 1982**. a **Indonesian Lawyer, legal aid activist**, and a public figure who has consistently defended the interests of the common people since the year **2009**. he expanded his service through political channels because of his close involvement with the needs of the community at the grassroots.

Organizational Achievements and Activities

- Coordinator of Cooperation of DPC PERADI Bekasi (2015–2019)
- Coordinator of the Commercial Sector of the PERADI Bekasi Legal Aid Center (2015–2019)
- Founder & Supervisor of the Tafsir Qolbu Al-Karomah Martial Arts School
- Founder of the Center for Communication, Information and Legal Services
- Supervisor of the Karomallah Banten – Lampung School
- Founder & Initiator of the Indonesian Social Media & Live Streaming Control Institute
- Founder & Initiator of the Indonesian Positive Live Community

Professional Experience

- Founder of Law Office ARI PRATOMO & ASSOCIATES
www.aripratomo.com
- Founder of Media General Infokom
- Posbakum Lawyer at Bekasi District Court
- Posbakum Lawyer at the East Jakarta District Court
- Posbakum Lawyer at the Indonesian Advocates Association, DPC Bandar Lampung
- Currently active as Advocates in various fields of law, both litigation and non-litigation, through its own law firm.

Official Social Media

- Instagram: **@muhammadarilaw**
- YouTube: **MuhammadAriLaw Channel**
- TikTok: **@muhammadarilaw**
- Twitter (X): **@MuhammadAriLaw**
- LinkedIn: **linkedin.com/in/muhammadarilaw**
- Facebook: **@MuhammadAriLaw**

Blurb

AI can write, paint, and even create music. But the question is: is AI truly a creator?

This book addresses the concerns of the modern legal world and creative industries. Amid the rapid use of artificial intelligence, a serious debate has emerged about copyright ownership of automatically generated works.

Muhammad Ari Pratomo, an advocate and writer, explains intelligently and scientifically that even though AI is capable of producing works that appear original, it is still only a tool—not a legal subject, not a creative being, and not the owner of a will.

Through legal, philosophical, ethical arguments, and international case studies, this book asserts: copyright remains and can only be owned by humans.

This book is important reading for:

- Creative workers who want to retain the rights to their work
- Academics, students, and observers of technology law
- Policymakers who are drafting digital regulations
- The general public who cares about justice and originality

Read this book before human creativity loses its place, and before the law loses its favor towards the true creator: humans themselves.

Synopsis

"Copyright and Artificial Intelligence: Positioning AI as a Tool, Not a Creator" is a critical thinking book that comprehensively discusses the legal position of artificial intelligence (AI) in the realm of intellectual property, particularly copyright.

Written by Muhammad Ari Pratomo, an advocate and writer who understands both legal practice and the dynamics of digital technology, this book explains logically, scientifically, and sharply that although AI is able to assist in the process of creating works, it is not a legal subject to claim the status of creator.

This book consists of 15 chapters which systematically examine:

- Basic understanding of copyright and characteristics of AI,
- The position of AI in creative worlds such as art, music, and writing,
- The clash between human creativity and machine algorithms,
- National and international case studies on the rejection of the status of "AI as creator",
- Analysis from the perspective of positive law, ethics, and philosophy,
- Policy recommendations and legal protection strategies for human creators,
- The affirmation that protecting copyright means protecting human dignity.

With a multidisciplinary approach and based on the principle of fair law, this book positions AI as a powerful tool, but it still cannot replace humans as true creators.

This book is not only essential reading for legal and technology circles, but also serves as an ethical and legal manifesto for defending the rights of human creators amidst the massive digital revolution.